THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :1739 of 2007

DATED: 01-02-2007

M/s Balaji Wines,
Rep., by its Proprietor,
Sri K.V.Gonvindarajulu,
R/o Karikera, Gudibanda mandal,
Anantapur District & another.

..... PETITIONERS

AND

The Commissioner, Prohibition & Excise,
Andhra Pradesh,
Hyderabad & 3 others.

.....RESPONDENTS

ORDER:

Heard the learned counsel appearing for the petitioners as well as the learned Government Pleader for Excise appearing for the respondents.

2. It is the case of the petitioners that they are the highest bidders in respect of the shop Nos.227 and 228 of Amarapuram village and mandal, and they being the highest bidders licence has been granted in their favour from 1st July, 2006 to 30th June, 2008. It is stated that the said two shops were only notified in Rolla Mandal and the 4th respondent is the highest bidder in respect of the shop No.231 of Rolla Mandal, and the 4th respondent made an application to shift his shop from Rolla Mandal to Amarapuram mandal contrary to the Gazette notification published by the District Collector/Auctioning authority of Anantapur District. It is further stated that when once the location of the shop is earmarked and put to auction the same cannot be shifted from one mandal to another and therefore, the petitioners stated that they have filed a representation on
29-01-2007 before the Commissioner of Prohibition and Excise/1st respondent requesting him not to shift the shop.

3. I am not inclined to express any opinion as to

whether the respondents are going to consider the request of the 4th respondent contrary to the rules and regulations in the gazette notification. However, I am of the opinion that it is just and proper to direct the 1st respondent to consider and dispose of the said representation of the petitioners, dated 29-01-2007, after giving reasonable opportunity to the petitioners as well as the 4th respondent in accordance with law.

4. Accordingly, the Writ Petition is disposed of. No order as to costs.

V.ESWARAIAH,J

01st February, 2006.
Tsy